

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 22, 2012**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:05 A.M. on March 22, 2012 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS
PRESENT: Joyce A. Hahn, PhD, APRN, NEA-BC; Chairperson
Louise D. Hartz, Citizen Member
Jeanne Holmes, Citizen Member
Jane R. Ingalls, RN, CNS, PhD
Patricia C. Lane, RN, BSN
Karen K. Schultz, PhD, MBA

STAFF PRESENT: Jodi P. Power, RN, JD; Deputy Executive Director
Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director
Amy Davis, Executive Assistant
Krystal Blanton, Senior Discipline Specialist (joined later)

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Students from Chesterfield Technical Center; Southside Virginia Community College; Germanna Community College

ESTABLISHMENT OF
A QUORUM: With six members of the Board present, a quorum was established.

FORMAL HEARINGS: **Stephanie D. Clement, LPN 0002-067450**
Ms. Clement did not appear.

Anne Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Charlotte Hudson, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Dr. Ingalls moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:33 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Clement. Additionally, Dr. Ingalls moved that Ms. Power, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 9:39 A.M.

Dr. Ingalls moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph. The motion was seconded and carried unanimously.

ACTION:

Dr. Schultz moved that the Board of Nursing revoke the right to renew the practical nurse license of Stephanie Clement. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Fada Delp, RN 0001-14121

Ms. Delp did not appear.

Anne Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Kim Whittemore, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Dr. Ingalls moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:55 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Delp. Additionally, Dr. Ingalls moved that Ms. Power, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 10:00 A.M.

Ms. Holmes moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Hartz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph.

The motion was seconded and carried unanimously.

ACTION: Ms. Ingalls moved that the Board of Nursing indefinitely suspend the registered nurse license of Fada Delp for a period of not less than two years. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 10:01 A.M.

RECONVENTION: The Board reconvened at 10:18 A.M.

FORMAL HEARINGS: **Wendy Marks, RN Reinstatement Applicant 0001-119612**
Ms. Marks appeared.

Olivia Exterovich, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Ann Hardy, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:13 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Marks. Additionally, Ms. Holmes moved that Ms. Power, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:26 A.M.

Dr. Ingalls moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Ms. Hartz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Exterovich and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Holmes moved that the Board of Nursing deny the reinstatement application of Wendy Marks, continue her registered nurse license on indefinite suspension, stay the suspension contingent upon her entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Program. Further, the Board moved to issue an order of reprimand. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Karen Wellington, RN 0001-193305**
Ms. Wellington did not appear.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Lynn Austin, Senior Investigator, Department of Health Professions and Chris Bowers, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Dr. Ingalls moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:06 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wellington. Additionally, Dr. Ingalls moved that Ms. Power, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:16 P.M.

Dr. Ingalls moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Dr. Schultz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Hartz moved that the Board of Nursing issue an order of reprimand and continue the registered nurse license of Karen Wellington on indefinite suspension for a period of not less than two years and until such time as she can appear before the Board and prove that she is safe and competent to practice. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 12:18 P.M.

RECONVENTION: The Board reconvened at 1:16 P.M.

Ms. Blanton joined the meeting, Ms. Davis left the meeting.

FORMAL HEARINGS: **Lorenda Toomer, CNA 1401-015840**
Ms. Toomer appeared.

James Rutkowski, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

CLOSED MEETING: Dr. Ingalls moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:45 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Toomer. Additionally, Dr. Ingalls moved that Ms. Power, Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:56 P.M.

Ms. Holmes moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Schultz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Dr. Ingalls moved that the Board of Nursing revoke the nurse aide certificate of Lorenda Toomer and enter a finding of misappropriation against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Edwidge Saint Jean, CNA 1401-096899**
Ms. Saint Jean did not appear.

David Kazzie, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Faye Lemon, Director of Enforcement Division, Department of Health Professions; and Lois Marie Young, CNA, former coworker; were present and testified. Meredith Failla, RN, Director of Clinical Services, Traditions Management and Carrington Place of Botetourt testified by telephone.

CLOSED MEETING: Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:38 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Saint Jean. Additionally, Ms. Holmes moved that Ms. Power, Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 2:40 P.M.

Ms. Holmes moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie.

The motion was seconded and carried unanimously.

ACTION:

Dr. Schultz moved that the Board of Nursing revoke the nurse aide certificate of Edwidge Saint Jean and enter a finding of abuse against her in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Penny Saunders, RN Reinstatement Applicant, 0001-174296

Ms. Saunders appeared, accompanied by her husband, Marty Saunders.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions; Sherry Foster, Senior Investigator, Department of Health Professions; Sharon Christenburg, LCSW, South Boston Community Service Board; and Christina Connor were present and testified.

CLOSED MEETING:

Ms. Holmes moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:35 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Saunders. Additionally, Ms. Holmes moved that Ms. Power, Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:50 P.M.

Dr. Ingalls moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Hartz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Lane moved that the Board of Nursing deny reinstating the registered nurse license of Penny Saunders and continue the license on indefinite suspension, stay the suspension contingent upon her continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

ADJOURNMENT:

The Board adjourned at 3:50 P.M.

Gloria D. Mitchell, RN, MSN, MBA
Deputy Executive Director